

IN THE DRAWINGS

Figures 3A, 3B, and 3C have been objected to because only that which is old is illustrated. The drawings are objected to as failing to comply with 37 C.F.R. § 1.84 (p) (4) because reference character “2a” has been used to designate both the conventional driver leg in Fig. 3B and the new leg in Fig. 1B. The drawings are also objected to because Figs. 1B and 1C each have two reference numerals 13B, the second of which is not being used to designate a part or direction.

Applicant respectfully submits herewith under separate cover two (2) sheets of replacement drawings to substitute for the originally filed drawings. Figures 3A, 3B, and 3C have been amended to include the legend “Prior Art”, as suggested by the Examiner in the Office Action. Applicant amended Figs. 1B, 1C and 3B to overcome the objections.

REMARKS**Summary of the Office Action**

The Specification is objected to under 35 U.S.C. § 112, first paragraph, which requires the specification to be written in “full, clear, concise, and exact terms.” In addition, the Examiner indicates that the title of the invention is not descriptive and requires a new title which is clearly indicative of the invention to which the claims are directed.

Claim 2 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1-5 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,029,436 to Kufel Jr. et al. (“Kufel”).

Figures 3A, 3B, and 3C have been objected to because only that which is old is illustrated. The drawings are objected to as failing to comply with 37 C.F.R. § 1.84 (p) (4) because reference character “2a” has been used to designate both the conventional driver leg in Fig. 3B and the new leg in Fig. 1B. The drawings are also objected to because Figs. 1B and 1C each have two reference numerals 13B, the second of which is not being used to designate a part or direction.

Summary of the Response to the Office Action

Applicant has amended claims 1 and 3-5, and canceled claim 2.

Accordingly, claims 1 and 3-5 are presently pending for further consideration.

Rejection Under 35 U.S.C. § 112

Claim 2 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 2 has been canceled.

Rejection Under 35 U.S.C. § 102(b)

Claims 1-5 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Kufel. Claim 1 has been amended to include the limitations of claim 2, with the language of claim 2 changed to comply with 35 U.S.C. § 112, second paragraph. Applicant respectfully traverses the rejection of the claims as amended.

Claim 1 as amended recites that “the support surface is located near and under the center in the lengthwise direction of the upper portion of the leading-end staple.” The Office Action states that plate 36 of Kufel meets the limitation of the pusher of claim 1. However, plate 36 of Kufel does not have a support surface located near and under the center of the upper portion of the leading-end staple as recited in claim 1. As clearly shown in Fig. 4, the portion of plate 36 located under the center of the upper portion of the leading end staple is lower than the beveled faces 38 of plate 36. Consequently, plate 36 includes nothing corresponding to the support surface recited in claim 1. Although the “crown portion 29” of a staple blank rests on “anvil 33,” anvil 33 can also not correspond to the support surface recited in claim 1 because it is not part of a pusher that presses a leading-end staple to the guide surface as the pusher is required to do by claim 1. Instead, the anvil 33 is stationary and restrains plate 36 from excess movement. (col. 4,

lines 16-19.) Thus, neither the plate 36 nor the anvil 33 of Kufel are analogous to the pusher recited in claim 1.

For at least the foregoing reasons, Applicant respectfully asserts that claims 1-5 are in condition for allowance.

CONCLUSION


It is respectfully submitted that all claims are now in condition for allowance, early notice of which would be appreciated. Should the Examiner disagree, Applicant respectfully requests a telephonic or in-person interview with the undersigned attorney to discuss any remaining issues and to expedite the eventual allowance of the claims.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

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